



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

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JUN 3 - 2013

Ref: 8EPR-N

Cheryl Probert, Acting Forest Supervisor
Bridger-Teton National Forest
340 North Cache Avenue
P.O. Box 1888
Jackson, Wyoming 83001

Re: Draft Supplement to the Environmental
Impact Statement for Long Term Special Use
Authorization for Winter Elk Management
Activities at Alkali Creek Feedground
CEQ # 20130096

Dear Ms. Probert:

The U.S. Environmental Protection Agency Region 8 (EPA) has reviewed the U.S. Department of Agriculture Forest Service (USFS) April 2013 Draft Supplement to the Environmental Impact Statement (DSEIS) Long Term Special Use Authorization for Wyoming Game and Fish Commission to Use National Forest System Lands for their Winter Elk Management Activities at Alkali Creek Feedground. Our review was conducted in accordance with the EPA's responsibilities under section 102 of the National Environmental Policy Act (NEPA), 42 U.S.C. § 4332(2)(c), and Section 309 of the Clean Air Act (CAA), 42 U.S.C. § 7609. Section 309 of the CAA directs the EPA to review and comment in writing on the environmental impacts of any major federal agency action. The EPA's comments include a rating of the environmental impact of the proposed action and the adequacy of the NEPA document.

The Forest Service proposes to authorize the Wyoming Game and Fish commission (WGFC) to continue use of 91 acres of National Forest System lands at the Alkali Creek Feedground (Feedground) for ongoing winter elk management programs. The 2013 analysis supplements the 2008 EIS that analyzed Alkali Creek and five other existing feedgrounds; the Record of Decision indicated that more information was needed prior to a decision for WGFC use at Alkali Creek. Therefore, the DSEIS only examines the Proposed Action, which is continued authorization of feedground facilities at Alkali Creek, and the No Action alternative which would not grant authorization. The DSEIS includes, among other subject matter, additional information on the Gros Ventre Wilderness boundary survey and vegetation effects within the Wilderness Area. Previously, 14 acres of National Forest System land was mistakenly included in the Gros Ventre Wilderness as part of the Feedground permit boundary, however there is no overlap between the Feedground and the Wilderness area, and the boundary has since been clearly marked. There are no Clean Water Act Section 303(d) listings associated with the Feedground, however two areas

totaling approximately 2.9 acres were mapped as potential wetlands in the National Wetlands Inventory.

The DSEIS documents that both alternatives could result in unavoidable adverse effects to water quality due to wetland and streambank damage, erosion and sedimentation. Slopes above Alkali Creek are heavily trailed by elk, which potentially could cause streambank alteration, reduced channel function, and increased sediment delivery to the creek. According to the DSEIS, there could also be irreversible losses in willow habitat within and adjacent to the Feedgrounds, as well as potential irretrievable losses of aspen habitat, due to heavy browsing by elk (see pp. 62, 150).

The EPA recognizes the challenges facing the USFS in managing wetland resources and streambank conditions on elk feedgrounds, and encourages the use of mitigation to avoid or reduce water resource impacts. The Draft SEIS states that relevant literature indicates that BMPs are effective in protecting water quality (p. 27), and the analysis is supported by experience gained from implementation of livestock grazing plans and observations of elk feedground impacts over the past decades. To reduce water resource impacts, the USFS has identified and committed to a mitigation measure that restricts distribution of hay for feeding to at least 100 feet from the outer edge of the wetlands and channel that connects the two areas (this measure was instituted in 2012 by the Jackson Ranger District to reduce adverse impacts to water quality and wetland and riparian vegetation). The Draft SEIS states that although the mitigation measure would reduce direct impacts to wetlands and other water resources in the Feedground, indirect impacts would likely continue due to elk congregation and trailing through the area. The EPA supports the minimum 100 foot hay distribution buffer, and encourages the USFS to utilize other available BMPs as management tools to mitigate damage to streambanks and riparian areas when they are most vulnerable to trampling damage (e.g., increased buffer zones for feeding, fencing, etc.).

Because the 100 ft buffer may not result in adequate protection or the full restoration of stream and riparian areas to desired conditions, we recommend including additional discussion in the Final SEIS on monitoring and adaptive management for impacts related to aquatic and vegetation resources. Specifically, a monitoring schedule would assure that the effectiveness of the BMP mitigation measure will be tracked to inform future decisions. We also suggest that an adaptive management strategy be developed in the Final SEIS to assure additional management action if monitoring does not indicate progress toward the desired conditions of stream health and vegetation. We recommend the Final SEIS identify the features of an effective adaptive management plan, including the following:

- Decision tree with achievable and measurable objectives to provide accountability and guide future decisions;
- Specific decision thresholds with identified indicators for each impacted resource;
- Targets that specify a desired future condition;
- Firm commitment to implement and fund a monitoring plan with protocols to assess whether thresholds are being met; and
- Firm commitment to use monitoring results to modify management strategies such as BMPs as necessary.

We also recommend discussion of the general timing of adaptive management implementation and effectiveness monitoring. A firm commitment to effectiveness monitoring is desirable given that adaptive management cannot be employed without the full implementation of its associated monitoring schedule. If the desired aquatic resource and vegetation conditions are not achieved through the 100 foot buffer BMP, it may be necessary to consider additional measures such as exclusion of feedground activities where wetlands or riparian areas, including streambanks, remain adversely impacted.

Consistent with Section 309 of the CAA, it is the EPA's responsibility to provide an independent review and evaluation of the potential environmental impacts of this project. Based on the procedures the EPA uses to evaluate the adequacy of the information and the potential environmental impacts of the proposed action, the EPA is rating this DSEIS as Environmental Concerns – Adequate Information (EC-1). The "EC" rating indicates that the EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. The "1" rating indicates that the EPA believes the DSEIS adequately sets forth the environmental impacts based on the information that is understood at this time, with the request that details of a monitoring and adaptive management plan be incorporated into the document at the time of the Final SEIS. A full description of the EPA's rating system is included as an enclosure.

We support the USFS efforts to reduce elk feedground impacts through the use of BMPs, and encourage further development of an adaptive management strategy to protect sensitive resources such as wetlands, riparian areas and water quality. If we may provide further explanation of our comments during this stage of your planning process, please contact Phil Strobel, Deputy Director of our NEPA Compliance and Review Program at 303-312-6704, or your staff may contact Melanie Wasco, Lead NEPA Reviewer, at 303-312-6540.

Sincerely,



Suzanne J. Bohan
Director, NEPA Compliance and Review Program
Office of Ecosystems Protection and Remediation

Enclosure: Ratings Criteria

U.S. Environmental Protection Agency Rating System for Draft Environmental Impact Statements

Definitions and Follow-Up Action*

Environmental Impact of the Action

LO -- Lack of Objections: The Environmental Protection Agency (EPA) review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

EC -- Environmental Concerns: The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce these impacts.

EO -- Environmental Objections: The EPA review has identified significant environmental impacts that should be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no-action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

EU -- Environmentally Unsatisfactory: The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potential unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the Council on Environmental Quality (CEQ).

Adequacy of the Impact Statement

Category 1 -- Adequate: EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis of data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

Category 2 -- Insufficient Information: The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new, reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses or discussion should be included in the final EIS.

Category 3 -- Inadequate: EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the National Environmental Policy Act and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

* From EPA Manual 1640 Policy and Procedures for the Review of Federal Actions Impacting the Environment. February, 1987.

